IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

J&J SPORTS PRODUCTIONS, INC.,	§	
as Broadcast Licensee of the July 26, 2008	§	
Cotto/Margarito Event,	§	
	§	
v.	§	
	§	
1) MOSO VENTURES, INC., Individually	§	Civ. No. 3:11-CV-1767-N(BF)
and d/b/a CUTIE PIES ROADHOUSE and	§	
d/b/a CUTIE PIES;	§	
2) JOHN PALLINI, Individually and d/b/a	§	
CUTIE PIES ROADHOUSE and d/b/a	§	
CUTIE PIES,	§	
Defendants.	§	

FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The District Court referred this case to the United States Magistrate Judge for pretrial management on September 13, 2011. Before the Court for consideration is the Motion for Default Judgment against all Defendants ("Motion," doc. 14.), filed by Plaintiff J&J Sports Productions, Inc. ("Plaintiff"). In light of this Court's recommendation that the Clerk's Entry of Default be vacated and the parties be allowed to answer, the Court recommends that Plaintiff's Motion be denied without prejudice.

SO RECOMMENDED, August 10, 2012.

PAUL D. STICKNEY

UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a copy of these findings, conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings and recommendation must serve and file written objections within fourteen days after service. A party filing objections must specifically identify those findings or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings and recommendation within fourteen days after service shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).